IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 26TH NOVEMBER 2007 / 5TH AGRAHAYANA 1929

Bail Appl..No. 7224 of 2007()

(CRIME NO.149/07 OF THE KODUMON POLICE STATION)

PETITIONER/ACCUSED:

MOHAN RAGHAVAN, S/O. RAGHAVAN,
AGED 35 YEARS, NELLIKUNNIL HOUSE, IKKAD,
KODUMON, PATHANAMTHITTA DISTRICT.

BY ADV. SRI.C.B.SREEKUMAR

RESPONDENT:

STATE OF KERALA, REPRESENTED BY
THE SUB INSPECTOR OF POLICE, KODUMON POLICE
STATION, REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. S.U. NAZAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 26/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. No. 7224 OF 2007

Dated this the 26th day of November, 2007

O R D E R

Application for anticipatory bail. The petitioner faces allegations under Section 498A IPC. The crime was registered on the basis of a private complaint filed by the wife of the petitioner which was referred by the police to the learned Magistrate under Section 156(3) Cr.P.C. The petitioner apprehends imminent arrest.

2. The marriage between the spouses took place on 24.11.2002. The spouses are blessed with two children. There is strain in the matrimonial tie and because of such strain, the de facto complainant is making reckless, exaggerated and fanciful allegations against the petitioner, submits the learned counsel for the petitioner.

3. The learned Public Prosecutor does not oppose the application. I am satisfied, in the facts and circumstances of this case that the petitioner can be granted anticipatory bail. In coming to this conclusion, I take note of the fact that arrest and detention of the petitioner is likely to mar all possibilities of harmonious reconciliation of the matrimonial tie. I do further take note of the submission of the learned Public Prosecutor that the alleged victim has suffered no

external injuries also.

4. In the result, this petition is allowed. Following directions are issued under Section 438 Cr.P.C in favour of the petitioner:-

i) Petitioner shall surrender before the learned Magistrate having jurisdiction at 11 a.m on 3.12.2007. He shall be released on regular bail on condition that he executes bond for Rs.25,000/-(Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

ii) The petitioner shall make himself available for interrogation before the investigating officer between 10 a.m and 3 p.m on 4.12.2007 and 5.12.2007 and thereafter on all Mondays and Fridays between 10 a.m and 12 noon for a period of two months. Subsequently the petitioner shall so appear as and when directed by the investigating officer in writing to do so.

(iii) If the petitioner does not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioner and deal with him in accordance with law, as if these directions were not issued at all.

(iv) If he was arrested prior to 3.12.02007, he shall be released from custody on his executing a bond for Rs.25,000/- (Rupees twenty five thousand only) without any sureties, undertaking to appear before the learned Magistrate on 3.12.2007.

(R.BASANT, JUDGE)

aks